

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID D. WRIGHT,) Case No.: 12-mc-80189-EJD (PSG)
Plaintiff,)
v.) **ORDER RE PRODUCTION OF
SUNHAM HOME FASHIONS, LLC,) DOCUMENTS AND COSTS FOR
Defendant.) PRODUCTION

) **(Re: Docket Nos. 20, 25)****

On October 26, 2012, E&E Co., Ltd., JLA Home, a division of E&E Co., Ltd, and JLA Home Fabrics, Inc. (collectively “E&E Entities”) moved for reconsideration of an order this court issued on October 10, 2012 that required the E&E Entities to produce twenty-two boxes of responsive documents by October 23, 2012 to Sunham Home Fashions, LLC’s (“Sunham”), so long as Sunham paid for them. Sunham moved the same day for civil contempt against the E&E Entities for their failure to comply with the court’s order. The parties appeared for a hearing on November 14, 2012.

In light of the blameworthy behavior on each side of this dispute and as explained more fully on the record at the hearing, the court has determined that the parties should each bear a share of the burden in producing the documents at issue. Accordingly,

1 IT IS HEREBY ORDERED that by December 14, 2012, the E&E Entities shall have ready
2 for production the same materials contained within the twenty-two boxes produced in the earlier
3 case.

4 IT IS FURTHER ORDERED that the E&E Entities and Sunham shall each be responsible
5 for fifty percent of the entire reasonable cost to reproduce and deliver the documents from the E&E
6 Entities to Sunham.

7 IT IS FURTHER ORDERED that production of the documents shall be subject to the
8 protective order entered by Judge Gorenstein in the earlier case between Sunham and JLA Home.

9 To facilitate the process of production and payment, well before December 14, 2012, the
10 E&E Entities shall marshal the responsive documents and provide to Sunham an estimate of the
11 cost to designate and to produce the documents. After receiving the estimate, Sunham shall inform
12 the E&E Entities whether it wants the E&E Entities to produce the documents. If Sunham agrees
13 to the production, the E&E Entities shall prepare the documents and a finalized bill.

14 Sunham must pay fifty percent of the bill before it may receive the documents from the
15 E&E Entities. Once Sunham pays its mandatory portion, the E&E Entities must deliver the
16 documents. To ensure that discovery in the underlying case is not delayed, any disputes regarding
17 the amount of the fees may only be brought after this transaction takes place.

18 Finally, the parties and their counsel in particular are advised that any further
19 misrepresentations or lack of candor to the court may subject them to sanctions.

20 **IT IS SO ORDERED.**

21 Dated: November 14, 2012

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23 PAUL S. GREWAL
24 United States Magistrate Judge